

REMARKS

The Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated November 12, 2009 has been received and its contents carefully reviewed. Applicants also wish to thank the Examiner for the courtesy extended to Applicants' Representative during the telephone interview of January 11, 2010. The substance of the interview is reflected in the claim amendments made above and the remarks that follow. Upon entry of the foregoing amendments, claims 28, 30-38, 40-42, 44-48, and 75-80 remain pending in the above-captioned application. Claims 28, 30-38, 40-42, and 44-48 have been amended, claims 29, 39, and 43 have been canceled, without prejudice or disclaimer, new claims 75-80 have been added, and claims 49-74 have been withdrawn. No new matter was added. Reconsideration of this application is respectfully requested.

The Office rejects claims 28-30, 33-40, and 44-48 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Pat. No. 7,325,252 to Bunker et al. (*Bunker*). The Office rejects claims 31, 32, and 41-43 under 35 U.S.C. § 103(a) as being unpatentable over *Bunker* in view of U.S. Pat. Pub. No. 2002/0199122 to Davis et al. (*Davis*). Applicants respectfully traverse these rejections.

Bunker fails to disclose a computer emergency response system linked to a plurality of computer systems comprising, “an information section configured to collect system information and security information related to a security incident that is a threat to at least one of the plurality of computer systems; a test bed configured to perform an attack simulation at the bed for the at least one computer system based on the system information and security information, under conditions similar to those of the at least one computer system; and an assessment section configured to assess the security incident based on the simulation,” as recited in independent claim 28 and similarly recited in claim 38.

Although the Office reads *Bunker*’s so-called Tester on the claimed test bed, the Tester of *Bunker* is not “... configured to perform an attack simulation at the bed for the at least one computer system based on the system information and security information, under conditions similar to those of the at least one computer system.” *Bunker* teaches at best, a Tester that runs a simulation on the at least one computer system. The simulation is not run on the Tester or test bed itself which is part of a centralized emergency system networked to a plurality of computer

systems. In fact, *Bunker* specifically states that "... many Testers 502 are used to flood a system 1102 or network 1002 with normal traffic to perform a 'stress test' on the system" *Bunker* at col. 22, lines 39-41. In other words, the Tester of *Bunker* does not perform the attack simulation as-claimed, but rather tests the actual system itself.

Davis fails to cure the deficiencies of *Bunker*. In fact, the Office cites *Davis* for other purported teachings. *See* Office Action at pp. 6-8.

Accordingly, Applicants respectfully submit that independent claims 28 and 38 are patentably distinguishable over *Bunker* and *Davis*. Claims 30-37 and 75-80 depend directly or indirectly from claim 28, and claims 40-42 and 44-48 depend directly or indirectly from claim 38. It stands to reason that these dependent claims are patentably distinguishable over *Bunker* and *Davis* for at least the same reasons as independent claims 28 and 38. Accordingly, Applicants respectfully request the Office to withdraw the various 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) rejections of claims 28, 30-38, 40-42, and 44-48.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: March 12, 2010

Respectfully submitted,

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